

Exhibit 2 to Frawley
Declaration in Opposition to
Google's Motion to Exclude
Plaintiffs' Expert Bruce
Schneier

Schneier Deposition Excerpts

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
3
4

5 CHASOM BROWN, WILLIAM BYATT,
6 JEREMY DAVIS, CHRISTOPHER
7 CASTILLO, and MONIQUE
8 TRUJILLO, individually and on
9 behalf of all other similarly
10 situated,
11

12 Plaintiffs,

13 No.

14 vs.

15 4:20-cv-03664-YGR-SVK
16

17 GOOGLE LLC,
18

19 Defendant.
20
21 _____/

22 VIDEOTAPED DEPOSITION OF BRUCE SCHNEIER
23 Remote Zoom Proceedings
24 Cambridge, Massachusetts
25 Monday, July 18, 2022

26 REPORTED BY:

27 LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

28 Pages 1 - 233

29 Job No. 5312337

30 Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE
TRUJILLO, individually and on
behalf of all other similarly
situated,

Plaintiffs,

No.

vs.

4:20-cv-03664-YGR-SVK

GOOGLE LLC,

Defendant.

_____ /

Videotaped deposition of BRUCE SCHNEIER,
taken on behalf of Defendant, Remote Zoom Proceedings
from Cambridge, Massachusetts, beginning at 11:03 a.m.
Eastern Daylight Time and ending at 7:20 p.m. Eastern
Daylight Time, on Monday, July 18, 2022, before
Leslie Rockwood Rosas, RPR, Certified Shorthand Reporter
No. 3462.

1 APPEARANCES :

2
3 FOR THE PLAINTIFFS :

4 SUSMAN GODFREY LLP

5 BY: IAN B. CROSBY, ESQ.

6 1201 Third Avenue, Suite 3800

7 Seattle, Washington 98101

8 (206) 516-3861

9 icrosby@susmangodfrey.com

10 -and-

11 BY: ALEXANDER P. FRAWLEY, ESQ.

12 3201 Avenue of the Americas, 32nd Floor

13 New York, New York 10019

14 (212) 729-2044

15 afrawley@susmangodfrey.com

16
17 BOIES SCHILLER FLEXNER LLP

18 BY: HSIAO (MARK) C. MAO, ESQ.

19 44 Montgomery Street, 41st Floor

20 San Francisco, California 91401

21 (415) 293-6800

22 mmao@bsfllp.com

23
24
25
Page 3

1 APPEARANCES (Continued):

2
3 MORGAN & MORGAN

4 BY: JOHN A. YANCHUNIS, ESQ.

5 201 North Franklin Street, 7th Floor

6 Tampa, Florida 33602

7 (813) 223-5505

8 jyanchuis@forthepeople.com

9
10
11 FOR THE DEFENDANT:

12 QUINN EMANUEL URQUHART & SULLIVAN, LLP

13 BY: STEPHEN A. BROOME, ESQ.

14 ALYSSA (ALY) G. OLSON, ESQ.

15 865 South Figueroa Street, 10th Floor

16 Los Angeles, California 90017

17 (213) 443-3285 (Mr. Broome)

18 (213) 443-3000 (Ms. Olson)

19 stephenbroome@quinnemanuel.com

20 alyolson@quinnemanuel.com

21
22 Also Present:

23 Elvert Ling, Quinn & Emanuel summer associate

24 Haimin Zhang, Analysis Group

25 Robert Fenton, Videographer

I N D E X

MONDAY, JULY 18, 2022

WITNESS

EXAMINATION

BRUCE SCHNEIER

BY MR. BROOME 10

BY MR. CROSBY 220

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

(NONE)

DEPOSITION EXHIBITS

BRUCE SCHNEIER

NUMBER	DESCRIPTION	IDENTIFIED
Exhibit 1	Expert Report of Bruce Schneier, 04/15/22	16
Exhibit 2	Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World, by Bruce Schneier	58
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Exhibit 4	Ask the Decoder: How Private is Private Browsing, Really? By Sara M. Watson, 09/24/14	70
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1	Exhibit 7	Journal of Cybersecurity,	133
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3		Threats in Intimate	
4		Relationships, by Karen Levy	
5		and Bruce Schneier	
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8	Exhibit 9	Expert Rebuttal Report of	184
9		Bruce Schneier Rebuttal of	
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12	Exhibit 10	Google Chrome Privacy Notice,	223
13		Last Modified 05/20/20,	
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15	Exhibit 11	Google Privacy Policy,	224
16		effective 02/10/22	

1 Cambridge, Massachusetts; Monday, July 18, 2022

2 11:03 a.m. Eastern Daylight Time

3 --oOo--

4 PROCEEDINGS

5 11:02:41

6 THE VIDEOGRAPHER: Good morning. We are on the
7 record. The time is 11:03 a.m. Eastern Time. Today is
8 July 18th, 2022.

9 Please note that this deposition is being
10 conducted virtually. The quality of recording depends on 11:03:02
11 the quality of camera and internet connection of
12 participants. What is seen from the witness and heard on
13 screen is what will be recorded.

14 Audio and video recording will continue to take
15 place unless all parties agree to go off the record. 11:03:17

16 This is Media Unit 1 of the video-recorded
17 deposition of Bruce Schneier, taken by counsel for
18 defendant, in the matter of Chasom Brown versus Google
19 LLC, filed in the United States District Court, Northern
20 Division of California, San Jose, Case Number 11:03:37
21 4:20-cv-03664-YGR-SVK.

22 This deposition is being conducted remotely
23 using virtual technology. My name is Rob Fenton,
24 representing Veritext Legal Solutions, and I am the
25 videographer. The court reporter is Leslie Rosas from 11:04:03

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1 with the technologies in question."

2 Do you still agree with those statements or do
3 you want to see it in the book?

4 A. I want to see it in situ.

5 Q. Yeah, that's fine. It's page 55 of your book 15:08:38
6 and 44 of the PDF, which was, I think, Exhibit 3.

7 Based on -- it might have been 44.

8 A. Yeah, I see it. Yes. I would agree with that,
9 still.

10 Q. Okay. All right. 15:09:09

11 Let's go back to your report, Exhibit 1. Let's
12 go to 78, paragraph 78.

13 A. Uh-huh.

14 Q. And you say at the end there: "Growing
15 awareness of the amount of data produced by internet 15:10:23
16 users and collected by companies such as Google explains
17 why users seek refuge in the promise and expectation of
18 going Incognito online."

19 Do you see that?

20 A. I do. 15:10:35

21 MR. CROSBY: Can I get the PDF page for that,
22 please.

23 MR. BROOME: We're back in the report.

24 MR. CROSBY: I'm sorry.

25 THE WITNESS: Last sentence of paragraph 78. 15:10:43

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1 MR. CROSBY: Apologies.

2 MR. BROOME: That's okay.

3 Q. So based on your prior testimony, you are not
4 opining here that users are, in fact, seeking refuge from
5 Google by going on Incognito online; you're just saying 15:11:09
6 that's a possible explanation?

7 MR. CROSBY: Object to the form.

8 THE WITNESS: I think I'm saying, yeah, Im
9 saying it's an explanation. That the increasing
10 awareness of internet surveillance, think of -- I'm 15:11:25
11 blanking on the name -- Age of Surveillance Capitalism,
12 the book became a New York Times best-seller, and got a
13 lot of people talking about that book. After my book,
14 people are more concerned about collection.

15 Q. BY MR. BROOME: Okay. And does that book or any 15:11:47
16 other book that you've read contain research indicating
17 that people are seeking refuge from this growing data
18 collection by going Incognito?

19 A. It's -- the book is this thick (indicating), and
20 I am not remembering. 15:12:13

21 Q. Okay.

22 A. Shoshana Zuboff is her name. I'm sorry.

23 Q. Have you -- sitting here today, can you recall
24 any research indicating that consumers are responding to
25 the growing amount of data produced by internet users and 15:12:28

Page 125

1 collected by companies such as Google by seeking refuge
2 in the promise and expectation of going Incognito online?

3 A. No.

4 Q. All right. Let's go to 86.

5 You say: "In the context" -- in the 15:13:31
6 second-to-last sentence. "And in the context of private
7 browsing, users have specifically signaled that they
8 expect their browsing sessions and the associated content
9 to be in fact private. That data point alone is private
10 in and of itself." 15:13:49

11 Do you see that?

12 A. I do.

13 Q. And the last sentence where you say "that data
14 point alone is private in and of itself," do you mean
15 that the fact that a user is in Incognito mode or private 15:14:00
16 browsing mode should be private?

17 A. You used the word "should." What do you mean be
18 "should"?

19 Q. Or is. I'm not sure. Is -- what -- when you
20 say "that data point," are you saying -- are you 15:14:11
21 referring to -- let me start over.

22 When you refer to "that data point" in the last
23 sentence of paragraph 86, are you -- do you mean the fact
24 that a user is in private browsing mode?

25 A. Yes. 15:14:31